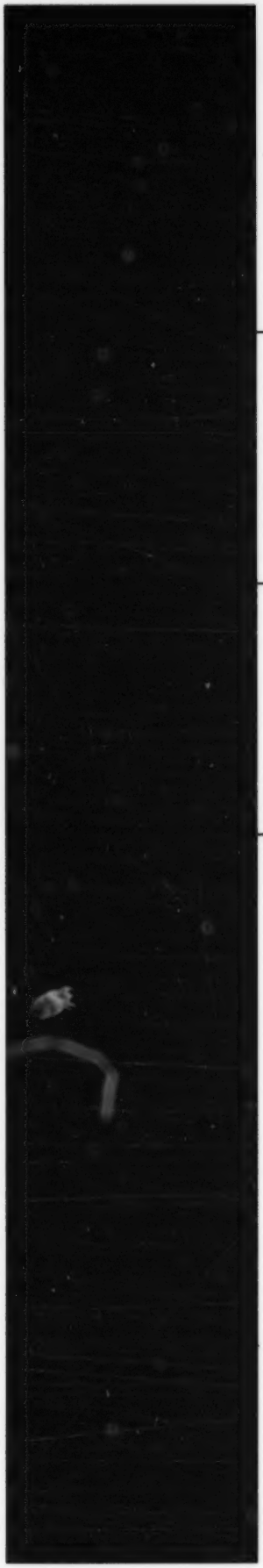

Government of
Saskatchewan

2005-2006
Annual Report

Saskatchewan
Justice

Saskatchewan Police
Complaints Investigator

106-07041/

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This annual report is also available in electronic form from the department's web site at **www.saskjustice.gov.sk.ca**

Letters of Transmittal

Her Honour the Honourable Dr. Lynda M. Haverstock
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990,* is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2005 to March 31, 2006.

Frank Quennell, Q.C.
Minister of Justice and Attorney General

The Honourable Frank Quennell, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990,* is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2005 to March 31, 2006.

Robert W. Mitchell, Q.C.
Chair

Mission Statement

The Complaints Investigator is a non-police person appointed by the government to ensure that both the public and police receive a fair and thorough investigation of a complaint against the police.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when a citizen feels he or she has not been treated fairly by a police officer and for that reason a Citizen Complaint Procedure was set out in *The Police Act, 1990.* It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Complaints Investigator

Civilian review of public complaints against the police began in the United States in the 1960's. Since then, it has spread around the world and developed, so that today Canada is recognized as a leader in the public complaints field. On January 1, 1992, Saskatchewan brought in a new procedure for the handling of complaints against municipal police with the appointment of a Complaints Investigator. Pursuant to subsection 39(1) and (2) of *The Police Act, 1990,* the duties of the Investigator are as follows:

(1) (a) record the complaint received,

(b) establish and maintain a record of all public complaints received by the police services and their dispositions;

(c) inform, advise and assist complainants;

(d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

(e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and

(f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.

(2) In exercising the duties of the investigator pursuant to this section, the Investigator:

(a) shall receive and obtain information respecting a public complaint from the complainant;

(b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;

(c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and

(d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

Complaints Investigator

Robert W. Mitchell, Q.C., was appointed to this position on July 1, 2004. The former Saskatchewan Minister of Justice has a wealth of experience and intimate knowledge of the many issues dealing with public confidence in municipal policing in Saskatchewan.

Mr. Mitchell has been appointed to chair the new Public Complaints Commission which came into effect on April 1, 2006. His past experiences, his ability to work with First Nations and Métis people, and his knowledge of the Saskatchewan justice system will ensure the transition to the Public Complaints Commission will occur smoothly.

Director

John Clarke has been the Director of the Police Complaints Investigator's Office since October 2002. Prior to becoming the Director, Mr. Clarke had a long career with the Royal Canadian Mounted Police in a succession of administrative and command roles. Mr. Clarke's knowledge of police procedures, the investigative process and, most importantly, his belief in the thorough and impartial resolution of complaints, ensures confidence in the public complaints process.

Other Activities

The Complaints Investigator and the Director attended the annual convention of C.A.C.O.L.E. (Canadian Association of Civilian Oversight for Law Enforcement) held in Montreal, Quebec, October 2005. Mr. Mitchell presented a paper on the proposed amendments to *The Police Act, 1990.* The paper addressed the circumstances which demonstrated the need to review the public complaint process, the consultative and inclusive process utilized to recommend changes, and how the changes are to be implemented. The paper was well received and generated a great deal of interest in how Saskatchewan will be addressing their public complaint process.

Additionally, meetings have been held with the executive of the Saskatchewan Federation of Police Officers to discuss the amendments to the Act and to promote a positive relationship.

The Director attended the Saskatchewan Police College and provided a lecture to two recruit classes on the public complaint process and how it can affect their conduct in terms of *The Municipal Police Discipline Regulations, 1991.* Lectures on this topic have been presented to recruit classes since 1993.

Administrative Staff/Accommodation

In July 2005, a new office was opened in Saskatoon which is staffed by two field investigators and one administrative support person. As well, an additional field investigator will be added to the Regina office. These additional resources have greatly enhanced our investigative abilities.

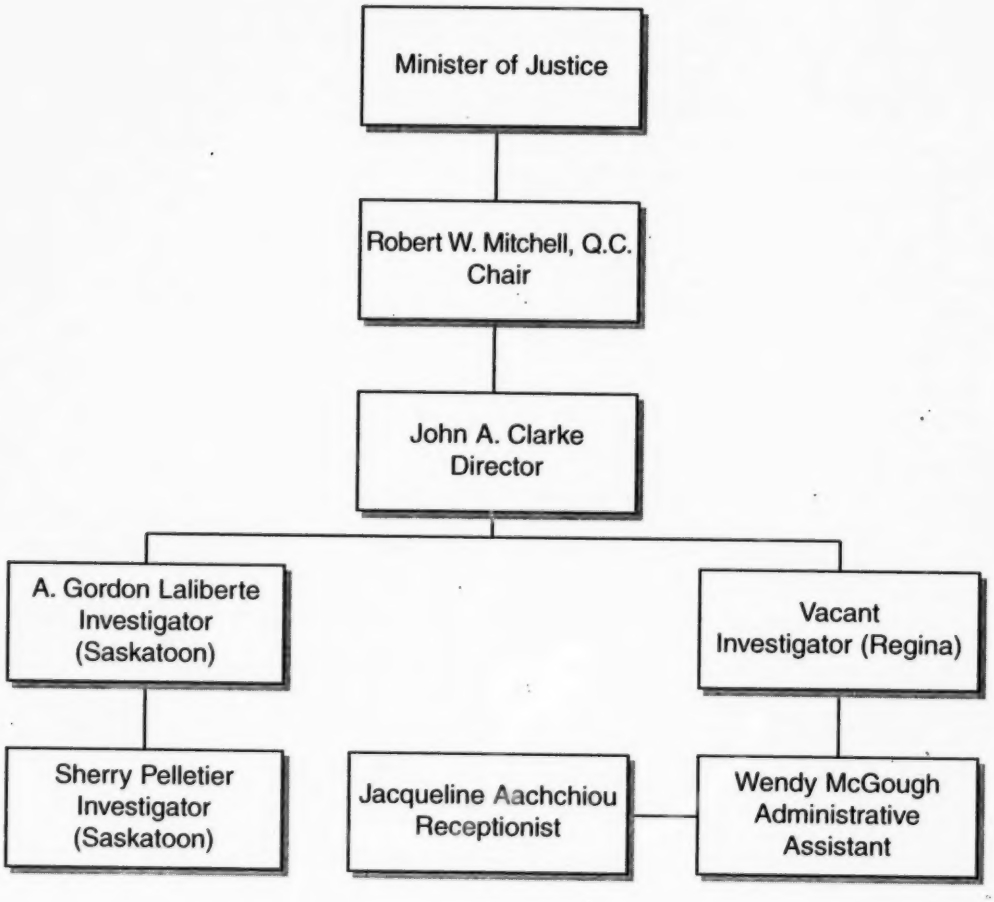
Saskatchewan Police Complaints Investigator
Suite 600 - 1919 Saskatchewan Drive
Regina, Saskatchewan S4P 4H2
Telephone: (306) 787-6519
Fax: (306) 787-6528

John A. Clarke – Director
Wendy McGough – Administrative Assistant

Saskatchewan Police Complaints Investigator
916 - 122 3rd Avenue North
Saskatoon, Saskatchewan S7K 2H6
Telephone: (306) 964-1450
Fax: (306) 964-1454

A. Gordon Laliberte – Investigator
Sherry Pelletier – Investigator
Jacqueline Aachchiou – Receptionist

Organizational Structure



Public Complaints Commission

Changes to the public complaints process were approved by the Legislature with an effective date of April 1, 2006. Appointments to the Commission have been authorized by the Lieutenant Governor in Council following the consultation process with the Saskatchewan Association of Chiefs of Police, Federation of Saskatchewan Indian Nations, Saskatchewan Federation of Police Officers and local police boards. Additionally, consultations were held with the Métis Family and Community Justice Services.

Chair: Robert W. Mitchell, Q.C., Regina

Vice-Chair: Catherine M. Knox, Lawyer, Saskatoon

Members: Loretta Elford, Regina, former Director of Education with the Regina Public School Board and active community member;

Raymond Fox, North Battleford, City Councillor, member of the Sweetgrass First Nation and Director of Justice, Battlefords Tribal Council; and

Michel Maurice, Saskatoon, widely respected Métis Elder.

Commission members are appointed for a three-year term and may be appointed for a second term, however, no member may be appointed to more than two successive terms. Other changes of note to the public complaint process include:

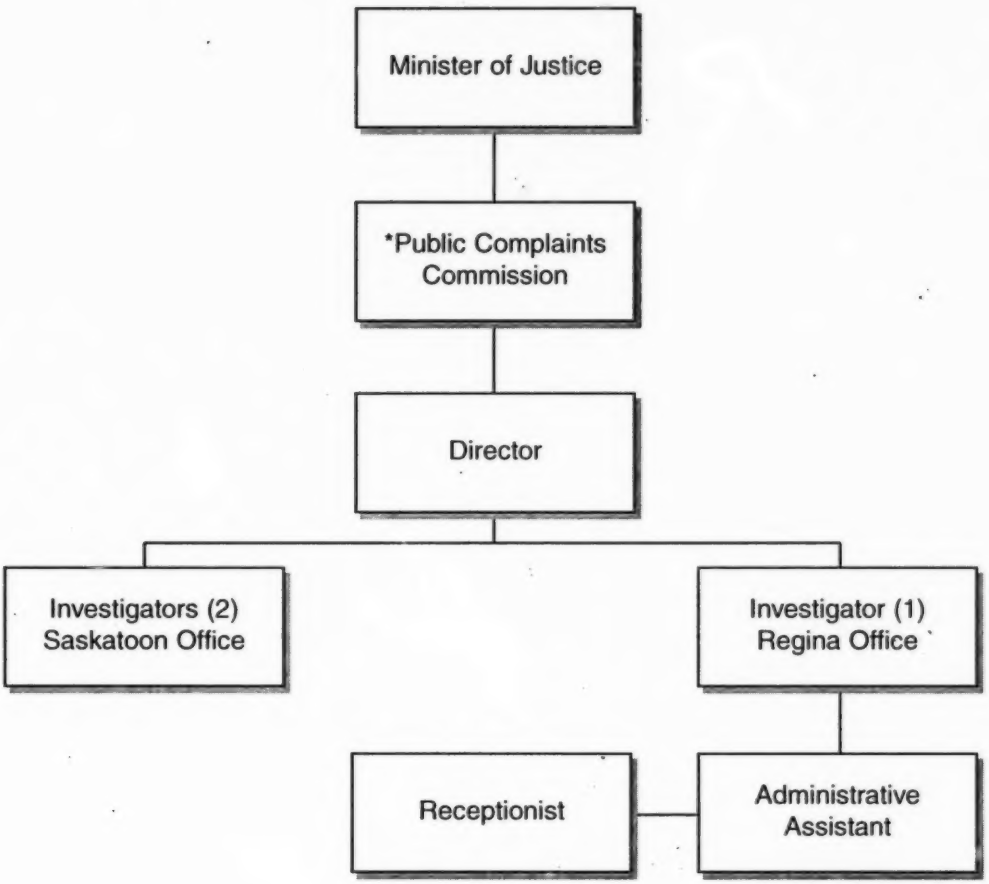
- The period of time in which a public complaint can be made has been increased from six months to 12 months from the day on which the complainant should have been aware of the incident complained of. The Chair of the Public Complaints Commission, if it is in the public interest to do so, may request an extension beyond the 12 months from the Chair of the Saskatchewan Police Commission.

- The locations where public complaints can be made have been expanded to include the Special Investigations Unit of the Federation of Saskatchewan Indian Nations and to any detachment of the Royal Canadian Mounted Police. This was included to accommodate rural people who reside within RCMP jurisdiction but have had negative encounters with municipal police services.

- Decisions of the Chair of the Public Complaints Commission to not proceed with an investigation of a public complaint can now be reviewed by the entire Commission at the request of the complainant.

- The Public Complaints Commission, if it considers it appropriate, may undertake any actions and exercise any powers of the Chief of Police, may do anything that the Chief of Police may do, and may exercise any powers that are given to the Chief of Police. This refers to the Chief's ability to order remedial action, charge a member with a major or minor disciplinary offence, or order a hearing into the matter as it relates to a contravention.

Public Complaints Commission
Organizational Structure Effective April 1, 2006



* The Public Complaints Commission will consist of a panel of five individuals including a chairperson and vice-chairperson. The panel will be appointed by the Lieutenant Governor in Council. The panel will replace the "Complaints Investigator" with expanded responsibilities.

2005-06 Activities and Results

For the period April 1, 2005 to March 31, 2006, this office processed 133 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive the complaint, investigate, review the matter and advise the complainants of the action taken with respect to their concern.

Time Frame	Per Cent of Complaint Files
0 - 30 days	8.27
31 - 60 days	6.03
61 - 90 days	1.50
91 - 120 days	0
121 - 150 days	3.76
151 - 180 days	.75
Over 181 days	12.78
Pending	66.91

The following pages show the breakdown of complaints for each of the 11 Municipal Police Services and two Rural Municipality Police Services in the province.

Saskatchewan Police Complaints Investigator

April 1, 2005 to March 31, 2006

Police Services	Number of Complaint Files
Regina	43
Saskatoon	69
Moose Jaw	6
Prince Albert	7
Estevan	1
Weyburn	2
Caronport	0
Dalmeny	1
File Hills Agency	4
Luseland	0
Stoughton	0
R.M. of Corman Park	0
R.M. of Vanscoy	0
Total Number of Files	**133**

Statistical Data

Findings of Complaints Received
April 1, 2005 to March 31, 2006

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	2	1	15	3	31	**52**
Saskatoon	1	1	19	15	43	**79**
Moose Jaw	0	0	0	2	4	**6**
Prince Albert	1	0	0	0	6	**7**
Estevan	0	0	0	1	0	**1**
Weyburn	0	0	0	0	2	**2**
Caronport	0	0	0	0	0	**0**
Dalmeny	0	0	1	0	0	**1**
File Hills Agency	0	0	0	1	3	**4**
Luseland	0	0	0	0	0	**0**
Stoughton	0	0	0	0	0	**0**
R. M. Corman Park	0	0	0	0	0	**0**
R. M. Vanscoy	0	0	0	0	0	**0**
Total	**4**	**2**	**35**	**22**	**89**	**152***

* While 133 complaints were filed – some had multiple complaints and findings

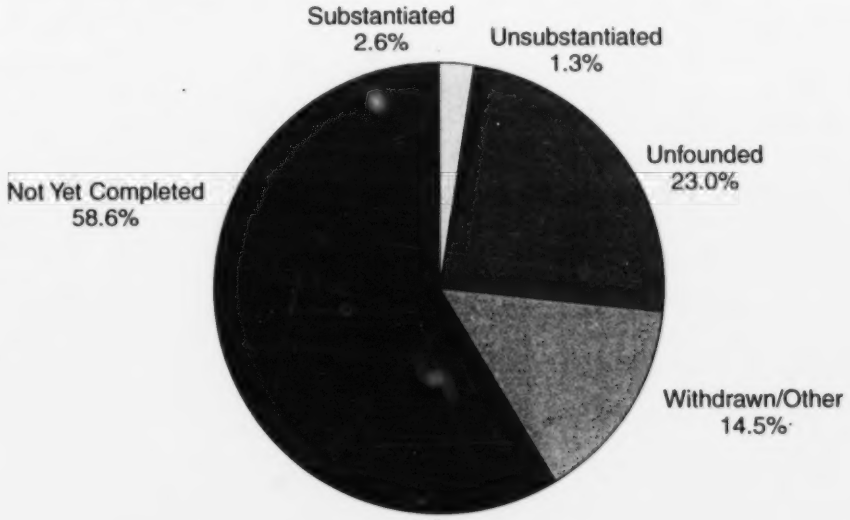
Definition of Complaint Findings
Substantiated – supported by evidence
Unsubstantiated – allegation cannot be proved or disproved
Unfounded – unsupported by evidence

Classification of Substantiated/Unsubstantiated Complaints
April 1, 2005 to March 31, 2006

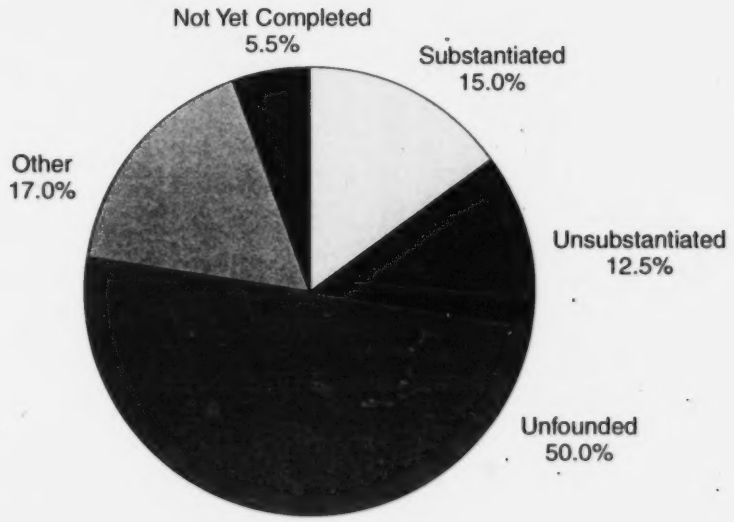
Police Service	Substantiated	Description	Unsubstantiated	Description
Regina	1 1	37Ai 36Fi	1	36C
Saskatoon	1	36D	1	37E
Prince Albert	1	36Av		

36Av Discreditable Conduct
36C Neglect of Duty
36D Improper Disclosure of Information
36Fi Abuse of Authority
37Ai Discreditable Conduct
37E Abuse of Authority

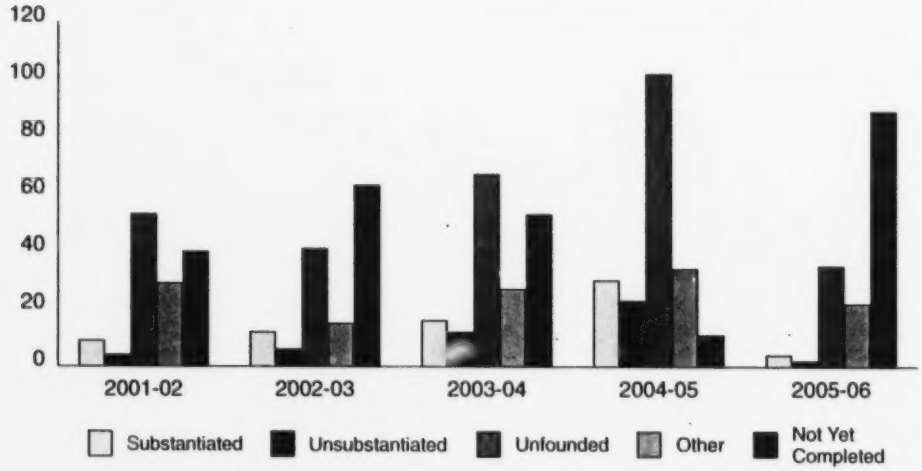
Complaint Findings
April 1, 2005 to March 31, 2006



Revised Complaint Findings
April 1, 2004 to March 31, 2005



Five Year Comparative Statistics



Saskatchewan Police Complaints Investigator
Types of Complaints Received
April 1, 2005 to March 31, 2006

Type of Complaint	Total	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	Stoughton	File Hills	Corman Park	Vanscoy
Discreditable Conduct	**14**	8	5	0	1	0	0	0	0	0	0	0	0	0
Neglect of Duty	**5**	0	5	0	0	0	0	0	0	0	0	0	0	0
Insubordination	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	**8**	3	5	0	0	0	0	0	0	0	0	0	0	0
Corrupt Practice	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	**26**	7	16	0	0	1	0	0	1	0	0	1	0	0
Improper Use of Firearms	**1**	1	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	**4**	1	3	0	0	0	0	0	0	0	0	0	0	0
Others	**5**	1	2	2	0	0	0	0	0	0	0	0	0	0
Not Yet Completed	**89**	31	43	4	6	0	2	0	0	0	0	3	0	0

Case Summaries

The following case summaries are a cross-section of the types of complaints received. The increased use of informal resolutions by the various police services is gratifying to note, particularly when complaints are based on a lack of communication, or a lack of understanding in terms of police procedures and their enforcement/investigational duties and responsibilities.

* * * * *

Mr. G complained that he was subjected to inappropriate behaviour by two police officers during a traffic stop during which his vehicle was seized. He stated that the officers shone their flashlights directly toward the side mirrors of his vehicle so that the light was reflected into his eyes. The officers yelled at him, put gloves on in a menacing manner to search him and one of the officers used profanity. Mr. G stated that the officers approached his vehicle while he was parked at curbside using a cell phone.

The police officers stated that Mr. G's vehicle was observed driving late at night without functioning headlights. Before the officers could approach the vehicle, Mr. G had parked at the side of the street. Both officers stated that Mr. G was unco-operative, aggressive and argumentative throughout the encounter – to a point where additional officers were requested as backup.

The officers requested several times from Mr. G his driver's licence and vehicle registration to which he declined. Mr. G repeatedly asked why he was being stopped and when informed it was for driving at night without headlights, he denied driving the vehicle and continued to argue with the officers. At this point, one of the officers raised his voice and ordered Mr. G to produce the requested documents. The officer raised his voice as Mr. G would not voluntarily comply with their requests. The officers stated that even though voices were raised, they were not rude or disrespectful toward Mr. G.

The officers attempted to serve Mr. G with a traffic violation and informed him his vehicle would be seized. Mr. G became aggressive, put on his seatbelt, grabbed the steering wheel and refused to exit the vehicle or turn it over to the officers. Mr. G made a motion as if to start the vehicle and drive away. Mr. G also grabbed the driver's door in an effort to close it. One of the officers grabbed onto Mr. G's shoulder to pull him back to prevent him from starting the vehicle and he was removed from the vehicle. At this point, one of the police officers stated he directed profanity toward Mr. G when he ordered Mr. G to exit his vehicle.

The officers were forthright with their explanation. They could not recall with certainty that Mr. G was searched, however, in light of the circumstances, a cursory search was more than likely conducted after Mr. G was removed from the vehicle. The officers stated it is common practice to wear police issued black cut resistant gloves for protection. The officers stated they were trained to approach vehicles from the rear as it is a matter of police officer safety and maximizes their protection and permits visibility of the vehicle's interior. While this may have made Mr. G a little uncomfortable, I found that the officers acted appropriately.

The investigation determined that Mr. G became aggressive when dealing with the officers and his aggressiveness increased when he learned his vehicle was going to be seized. With the exception of the use of inappropriate language, the officers acted properly. The Chief of Police provided "Advice as to Future Conduct" regarding the use of profanity. I concurred with the action taken by the Chief.

* * * * *

Mr. P and his wife complained about the conduct of a police officer who has been their neighbour for some time. The complaint was unique in that some of the concerns were clearly beyond the six-month limitation in which a public complaint could be made. However, as these matters encompassed an 11-year time span, the earlier incidents could not be totally discounted as they provided the background and the context in which the allegations were made.

The passage of time did not permit the recollection of specific dates on which incidents were alleged to have happened. The first incident, alleged improper personal comments of a sexual nature directed toward Mrs. P, happened 11 years ago. The officer was clearly off duty and the comments were not made in his capacity as a police officer. Nevertheless, it was the nature of the comments that reflected poorly on the officer as an individual and caused adverse reflection on his character as a police officer and a member of a municipal police

service and, by extension, the police service itself. While it does not mitigate the officer's behaviour, he was never confronted and told that his remarks, particularly the ones which included sexual innuendo, were offensive and unwanted.

Included in this portion of the allegations was the comment made to Mrs. P in which the officer inquired as to whether or not Mr. P had ever been abusive toward her. The officer stated he made this inquiry as he was concerned for Mrs. P's safety after he had observed displays of anger on the part of Mr. P. While this would seem to be somewhat of an obnoxious question between neighbours, the question was asked to ascertain if his concerns had merit. I determined therefore, while awkward, it was not inappropriate for a trained police officer to make inquiries when the possibility of spousal abuse existed.

Mr. P received a speeding ticket during March 2004. During a subsequent conversation with Mrs. P, the officer made mention that he knew about the ticket. The conversation took place while the officer was off duty. When questioned, the officer stated that he just happened to come across the information while he was at work. At the time, the officer was not engaged in a function within the police service in which this information would come to his attention during the normal course of his duties. The officer inappropriately revealed information he had obtained through his employment as a police officer. While the incident took place beyond the six-month limitation of action in which a public complaint can be received, I was advised that the Chief of Police took internal action against the officer pursuant to *The Municipal Police Discipline Regulations, 1991.* Had I the jurisdiction to address the matter, I would have agreed with the action taken by the Chief of Police. The officer was issued a formal reprimand for "Improper Disclosure of Information."

It was further alleged that the officer conducted inquiries into the background of Mr. P and his wife including conversation in which the officer informed the couple that he was aware of where Mr. P's deceased brother was buried. When the couple asked the officer how he came across this information, the officer informed them that he had an interest in genealogy. The investigation confirmed this interest and also confirmed that the officer inappropriately accessed the database of the police service for his purposes. The officer stated that he was not aware of the police service policy which prohibits accessing police-held information for his personal interests. The officer was provided "Advice as to Future Conduct" in this regard. My review supported the action taken by the Chief.

During the course of the investigation of this public complaint, it was determined that the officer had inappropriately accessed the police data system to conduct background inquiries on other individuals that were not associated with his duties as a police officer. This matter was determined to be an internal matter which was addressed by the Chief of Police under the discipline regulations.

This was a difficult complaint for the officer's neighbours to bring forward. It crossed the boundaries of on-duty versus off-duty conduct and the time constraints in which a public complaint can be received. Recent amendments to *The Police Act, 1990,* have increased the six-month limitation of action to 12 months.

* * * * *

I received a complaint from Mr. GP who stated that police officers should not have the authority to determine that charges of assault should not proceed. One of our investigators met with Mr. GP and discussed his concerns. Mr GP explained he and his ex-wife have had ongoing issues with respect to the upbringing and custody of their son. These issues have caused previous police involvement. Mr. GP has come to believe the justice system works favourably for women.

His recent involvement utilizing police assistance has caused him to believe he is being "discriminated" against. Mr. GP explained that he is the primary caregiver of his son and his ex-wife has visitation rights. They participate in the Supervised Access and Exchange Program co-ordinated by Family Justice Services, which requires a Family Justice social worker to be present during exchanges. During an exchange of their son, their son refused to leave with Mr. GP, which created an unsettling environment. Mr. GP stated he was assaulted by his ex-wife, her current spouse and her 16-year-old daughter. He stated the assault occurred when he was in the process of taking his son. Police assistance was requested and two officers responded.

Mr. GP requested charges be laid against all three individuals. The officers explained to him there would be no charges laid against his ex-wife and her spouse due to the fact there were no witnesses to substantiate his allegations. However, the officers explained that since the social worker was witness to him being kicked by his ex-wife's daughter that there would be consideration of an assault charge.

The police report was very thorough and detailed the circumstances. Mr. GP was unco-operative and wanted to charge everybody involved with assault because they all touched him. The officers noted that the stories of the individuals involved differed considerably, however, there was an independent witness who observed the ex-wife's daughter strike Mr. GP.

The officers arrested the ex-wife's daughter for common assault. The young girl admitted she hit Mr. GP, but stated she was trying to protect her brother as he did not want to go with Mr. GP and because GP was squeezing her brother's arm. The daughter was taken to the police station where she provided a warned statement. The officer had to assist the young lady with her statement as she was unable to write. Her mother explained her daughter was mentally challenged. Based on the evidence provided, the officers decided that the daughter would be warned and not charged for common assault due to her medical circumstances and no prior involvement with the justice system.

Following the incident, Mr. GP attended the police station to determine the outcome and what charges were being laid. The investigating officer explained that his stepdaughter had been arrested and warned for assault for the aforementioned reasons.

I determined that the police officers fulfilled their duties by completing a thorough investigation The officers provided a complete explanation to Mr. GP as to why there were no charges. The police report was complete and thorough in all respects and therefore, pursuant to S. 45(2)(b) of *The Police Act, 1990,* I determined that no further investigation was required and the matter be terminated as unfounded.

This complaint highlighted the importance of a thoroughly documented police investigation. The officers' decisions were most appropriate given the circumstances.

* * * * *

Mr. D complained that he was involved in a situation with several off-duty police officers, two of whom were members of a visiting municipal police service who were staying at the hotel where he worked as a security guard. He had received several noise complaints in relation to a particular hotel room and had attended on several occasions to ask the occupants to keep the noise down. Someone in the room showed Mr. D what he assumed to be a police badge. Due to the number of complaints received, the hotel owner directed Mr. D to evict the individuals from the room. This lead to a verbal confrontation with the off-duty officers.

Efforts to evict lead to the occupants of the room to gather in the hotel lobby where they continued to argue about being evicted. They were rude, intoxicated and refused to leave. Members of the local municipal police service were called and these individuals argued with the members of this service for another 45 minutes. The off-duty officers were eventually allowed back into the room.

Upon receipt of Mr. D's complaint, the Chief of Police of the visiting police service took immediate action and caused an investigation. Two officers were identified as being in the hotel room; one of whom had very little to do with the confrontation between Mr. D and, subsequently, with members of the local police service. The second officer was interviewed and stated that upon reflection, his conduct was inappropriate and unprofessional.

The Chief of Police directed that the member receive an order of remedial discipline and was placed on probation for three months. The Chief concluded that the officer's conduct, even though the incident was considered "off duty," that not only were the officer's actions an embarrassment to himself and his own service, it placed members of the other municipal police service in a difficult position. I concluded that the action taken by the Chief of Police was appropriate.

The investigation identified a police officer who was a member of another police service who did not fall under the jurisdiction of the Saskatchewan Police Complaints Investigator's Office. The conduct of that police officer was reported to the officer's superiors for further investigation and review.

Budget Allocation

The following figures show the approved budget for the 2005-2006 fiscal year.

	2005-2006
Approved Budget	$ 594,000
Grant – F.S.I.N., Special Investigations Unit	$ 140,000
Salaries, Honorariums, Per Diems	213,330
Operating Expenses	89,352
	$ 442,682